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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**VERA M. RAMOS,**

Plaintiff,

v.

**MICHAEL A. RAMOS,**

Defendants.

**ORDER AFFIRMING  
REPORT & RECOMMENDATION &  
SUMMARILY REMANDING CASE**

**Case No. 2:08CV273DAK**

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This case was assigned to United States District Court Judge Dale A. Kimball, who then referred it to United States Magistrate Judge Samuel Alba under 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Alba issued a Report and Recommendation on May 8, 2008, recommending that the court issue a summary remand remanding this case back to Utah State Third District Court, Tooele,

In response to the Report and Recommendation, Michael A. Ramos filed a request for review. Mr. Ramos states that his case involves civil rights and requests that this court intervene. Mr. Ramos's objection to the Report and Recommendation, however, has no basis in law.

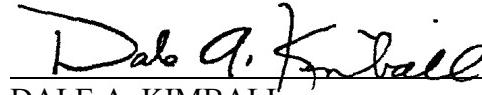
The court has reviewed the matter *de novo*. The court fully agrees with the analysis contained in Magistrate Judge Alba's Report and Recommendation. Therefore, the court approves and adopts the Magistrate Judge's March 6, 2008 Report and Recommendation in its entirety. The removal is improper because this court does not have original jurisdiction over family law matters. A civil action brought in state court may only be removed to federal court if

the action is one that could have been brought originally in federal court. *See* 28 U.S.C. § 1441(a). This court is not a “higher” court or an appellate court for state district courts. To the extent that Mr. Ramos objects to matters in the state court proceeding, he must raise them on appeal to the Utah Court of Appeals. This case does not fall within the jurisdiction of federal courts. To the extent that Mr. Ramos claims that his civil rights are involved, those claims are a part of the state court action and can be raised in that court. Those claims do not create a basis for removal of the action to federal court.

Therefore, this case is REMANDED to the Third District Juvenile Court in and for Salt Lake County, State of Utah. Pursuant to 42 U.S.C. § 1447(c), the clerk of this court shall mail a certified copy of this order of remand to the clerk of said state court.

DATED this 23<sup>rd</sup> day of May, 2008.

BY THE COURT:

  
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DALE A. KIMBALL  
United States District Judge